

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GLENN H. OLAY,)
)
 Plaintiff,)
)
 v.) **Civil Action No. 04-266 Erie**

HENRY M. HEARNE,)
)
 Plaintiff,)
)
 v.) **Civil Action No. 04-276 Erie**

PAUL L. PLYLER,)
)
 Plaintiff,)
)
 v.) **Civil Action No. 04-277 Erie**

WILLIAM F. LUNDER,)
)
 Plaintiff,)
)
 v.) **Civil Action No. 04-278 Erie**

LYNN A. RHODES,)
)
 Plaintiff,)
)
 v.) **Civil Action No. 04-279 Erie**

TERRY K. ROCKWELL,)
)
 Plaintiff,)
)
 v.) **Civil Action No. 04-280 Erie**

CHARLES D. WILSON,

Plaintiff,

v.

Civ. No. 05-122 Erie

**MOTION CONTROL INDUSTRIES,
DIVISION OF CARLISLE
CORPORATION, RETIREMENT
PLAN FOR BARGAINING UNIT
EMPLOYEES OF MOTION CONTROL
INDUSTRIES,
DIVISION OF CARLISLE
CORPORATION**

Defendants.

ORDER

AND NOW, to-wit, this 17th day of May, 2007, for the reasons stated in the Opinion accompanying this Order, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Plaintiffs' Motions for Summary Judgment (Civ. No. 04-266E, doc.19; Civ. No. 04-276, doc. 16; Civ. No. 04-277E, doc. 15; 04-278E, doc. 15; Civ. No. 04-279E, doc. 15; Civ. No. 04-280E, doc. 15; Civ. No. 05-122E, doc. 13) be and hereby are GRANTED insofar as we found that Plaintiffs are excused from exhausting their administrative remedies. Plaintiffs' Motions are DENIED in all other respects.

2. Defendants' Motions for Summary Judgment (Civ. No. 04-266E, doc.16; Civ. No. 04-276, doc. 13; Civ. No. 04-277E, doc. 12; 04-278E, doc. 12; Civ. No. 04-279E, doc. 12; Civ. No. 04-280E, doc. 12; Civ. No. 05-122E, doc. 18) be and hereby are GRANTED in part and DENIED in part as follows:

a. Defendants' Motions are DENIED insofar as we found that Plaintiffs are excused from exhausting their administrative remedies;

b. Defendants' Motions are GRANTED insofar as we found that an arbitrary and capricious standard of review applies to Defendant's denials of claims and that Defendants' denials of benefits were not arbitrary and capricious.

3. Based on the plain language of the Plan Documents and Defendants' interpretation of those documents, Plaintiffs are not eligible to receive Disability Retirement benefits. Therefore, Summary Judgment is hereby entered in favor of Defendants and against Plaintiffs.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: counsel of record